UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:19-cv-00333-FDW

PAUL VALDEZ-BEY,)	
)	
Plaintiff,)	
)	
VS.)	<u>ORDER</u>
)	
FNU CASTALONE, et al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on review of the file in this matter and on Plaintiff's Complaint [Doc. 1].

On December 3, 2019, Plaintiff filed his Complaint in this matter under 42 U.S.C. § 1983. [Doc. 1]. After receiving a notice of deficiency from the Clerk [Doc. 2], Plaintiff filed an application to proceed without the prepaying fees or costs [Doc. 3]. On January 10, 2020, after receiving Plaintiff's prisoner trust account statement, the Clerk entered an order waiving the initial partial filing fee and directing Plaintiff's correctional institution to transmit partial payments monthly. [Doc. 11]. On January 9, 2020, Plaintiff filed a notice of change of address effective January 15, 2020, indicating that he was being released from prison. [Doc. 8]. Plaintiff now resides in Greensboro, North Carolina. [Id.].

Because Plaintiff has been released from prison and may no longer be eligible for IFP status and because the Clerk's Order is no longer effective to collect monthly payments from Plaintiff's prisoner trust account, the Court will order Plaintiff to either pay the \$400.00 filing fee or to file an Amended Application. Should the Plaintiff choose to file an Amended Application, he should

use and <u>complete in full</u> the Application to Proceed in District Court without Prepaying Fees or Costs (Long Form) (AO 239), which is available through the Court's website, http://www.ncwd.uscourts.gov.

IT IS, THEREFORE, ORDERED that Plaintiff shall, within thirty (30) days of this Order, either pay the \$400.00 fee to file his Complaint or file an Amended Application, using AO Form 239. Failure to pay the fee or to file an Amended Application within the time required will result in the dismissal of this action without prejudice.

Signed: February 19, 2020

Frank D. Whitney

Chief United States District Judge